

- The pharmaceutical issue involves both the Ministry of Health and the Ministry of Economy and Trade.
- The major issues regarding pharmaceutical industry in Lebanon evolves around the following:
  - Inadequate protection of data. The US pharmaceutical industry complains that the Lebanese Ministry of Health is registering drugs on the basis of data derived **NOT** from the original product being registered, but from the original product being copied and,
  - Counterfeiting.
- The Ministry of Economy and Trade acknowledges that there is a problem with respect to the pharmaceutical industry's intellectual property rights protection in Lebanon (mainly the inadequate protection of data).
- This issue could affect WTO accession if not solved by the GOL. Many solutions are possible, including but not limited to, providing a favourable interpretation of the term "undisclosed data" that figures in Article 47 of the Patent Law or amending the existing Article 47 of the Patent Law of Lebanon.
- According to Ms Karin Ferriter (USTR Representative-Member of the IP delegation which visited Lebanon from July 22 to 24 2010) both the Ministers of Health and of Economy and Trade agreed to adopt the US interpretation of the term "undisclosed data" that figures in Article 47 of the Lebanese Law.
- If the Ministers follow through on their commitment, this will lead to an acceptable data protection and will prevent copies of drugs from entering the market based on data generated by the originator companies. There were, however, no clear timelines or mechanisms for the adoption of this interpretation.
- In August 2010, the pharmaceutical industry forwarded to the US embassy the interpretation of the industry of article 47 of the Lebanese patents law, as a follow up on the meeting the US delegation had with both the Minister of Health and the Minister of Economy and Trade. Please find attached a copy of the pharmaceutical industry interpretation of article 47 of the patent law. Please note this interpretation was drafted by the pharmaceutical industry's lawyer Me. Walid Nasser.